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Univation Technologies, LLC
5555 San Felipe, Suite 1950
Houston, TX 77056-2723

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OFFICE OF PETITIONS

In re Application of
Donna Crowther
Application No. 09/634,195
Filed: August 9, 2000
Attorney Docket No. 2000US012.US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 7, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 26, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight May 26, 2003.

In response to the non-final Office action, petitioner submitted with the instant petition an authorization to charge \$1,330 for the petition to revive fee, an amendment, and an authorization to charge \$950 for a three (3) months extension of time, to Deposit Account No. 50-0589.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$950 extension of time submitted with the petition on October 7, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to Technology Center 1700, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy